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AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MIKE WEBB,

Plaintiff,

v.

MIKE McDOUGLAS and "JANE DOE"
McDOUGLAS, husband and wife and the marital
community thereof, STEVEN LEONARD and
"JANE DOE" LEONARD, husband and wife and
the marital community thereof, the CITY OF
SEATTLE, a municipal corporation, the
SEATTLE POLICE DEPARTMENT, a
department of the City of Seattle,

Defendants.

Plaintiff alleges:

I. JURISDICTION AND VENUE

1.1 At all times material herein, the acts complained of took place in
Seattle, King County, State of Washington.

II. PARTIES

2.1 Plaintiff Mike Webb, at all relevant times, is and has been a

605-1290 RSM

NO.

COMPLAINT FOR VIOLATION
OF 42 U.S.C. § 1983

JURY DEMANDED



05-CV-01290-CMP

COMPLAINT FOR VIOLATION OF 42 U.S.C. § 1983 - 1

the MARSHALL FIRM
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SEATTLE, WASHINGTON 98122
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ORIGINAL

1 resident of King County, State of Washington.

2 2.2 Defendants Mike McDouglas and "Jane Doe" McDouglas, are at
3 all relevant times husband and wife and defendant Mike McDouglas acted
4 individually, on behalf of the martial community. Mike McDouglas carries
5 Seattle Police Department badge # 1867.

6 2.3 Defendants Steven Leonard and "Jane Doe" Leonard, are at all
7 relevant times husband and wife and defendant Steven Leonard acted
8 individually, on behalf of the martial community.

9 2.4 At all material times, defendants Mike McDouglas and Steven
10 Leonard were employees of and acting within the scope and course of his
11 employment with the City of Seattle and the Seattle Police Department.

12 2.5 Defendant City of Seattle is at all relevant times a municipal
13 corporation. The City of Seattle operates police services and 911 services.

14 2.6 Defendant Seattle Police Department is at all relevant times a
15 policy making and policing body within the City of Seattle with numerous
16 employees responsible for the investigation of crimes committed by persons
17 within its jurisdiction, including fellow police officers.

18 2.7 On information and belief, at all relevant times, defendants Mike
19 McDouglas and Steven Leonard were employed performing security work for
20 defendant Dick's Drive-in.

21 III. STATUTORY PREREQUISITES

22 3.1. For purposes of commencing a lawsuit against a local
23 government entity, plaintiff filed a tort claim with the City of Seattle,
24 conforming to the requirements of RCW 4.96 *et seq.* Plaintiff has allowed at
25 least sixty-days (60) to expire between the date of presentment to the governing
26

1 body and the filing of this action.

2 **IV. GENERAL ALLEGATIONS RELEVANT TO ALL CAUSES OF**
3 **ACTION**

4 4.1 Each of the above allegations is incorporated herein by reference.

5 4.2 Mike Webb left the studio at KIRO Radio in the early morning
6 hours of May 16, 2004 and drove to the Dick's Drive-In at 115 Broadway E.,
7 Seattle, King County, Washington, where he is a regular customer.

8 4.3 When Mr. Webb walked to the end of the line to order his food,
9 he asked a uniformed police officer, Mike McDouglas, who was standing in
10 front of him whether he was in line.

11 4.4 The officer turned and stated to Mr. Webb that he was in line and
12 that Mr. Webb had better move away, that he was too close to the police officer.

13 4.5 Mr. Webb attempted to explain to the police officer that he was
14 only asking if the police officer was in line to get food because sometimes police
15 officers did crowd control at Dick's Drive-In.

16 4.6 The police officer told Mr. Webb that he was still standing too
17 close. The suddenly the police officer told Mr. Webb that he was trespassing
18 and to get off of the Dick's Drive-In property.

19 4.7 Mr. Webb responded to the effect, "are you kidding me?"

20 4.8 Suddenly the police officer grabbed Mr. Webb and pushed him in
21 the area of his chest.

22 4.9 Mr. Webb stopped and said to the police officer, "this is a
23 mistake. This is wrong."

24 4.10 The police officer then grabbed Mr. Webb again and violently
25 shoved him and threw him out into the street, Broadway East, where cars were
26 traveling.

1 4.11 The police officer, badge # 1867, then ordered Mr. Webb to leave
2 the area and threatened further bodily injury if he remained at the Dick's Drive-
3 In.

4 4.12 Mr. Webb was shocked and outraged by the police officer's
5 conduct. Rather than argue and cause a further scene, he immediately used his
6 cell phone to call 911 and report the assault and abusive behavior. The 911
7 operator refused to send assistance.

8 4.13 Shortly thereafter, Mr. Webb was approached by another police
9 officer at the scene, Steven Leonard, who was rude, looked at police officer,
10 Mike McDouglas, and said to Mr. Webb, "if you make any more telephone
11 calls, we can make this very difficult for you, I mean very difficult."

12 4.14 After over one year, Mr. Webb was not been informed by
13 defendants of the reason for the battery, detention, abuse or the humiliation he
14 suffered at the hands of a City of Seattle police officer on May 16, 2004.
15 Defendants are either refusing to investigate this matter or to communicate to
16 Mr. Webb or his attorney the results of any investigation. As a result, Mr. Webb
17 has been forced to file this lawsuit.

18 **V. FIRST CLAIM FOR RELIEF - VIOLATION OF 42 U.S.C. § 1983**

19 5.1 Each of the above allegations is incorporated herein by reference.

20 5.2 Defendants acted under the color of law, including under the
21 color of federal and state law, custom, or usage when taking the actions
22 referenced herein.

23 5.3 Pursuant to 42 U.S.C. § 1983, plaintiff has been deprived of
24 federal rights by defendants. All of these rights are secured to plaintiffs by the
25 Fourth Amendment right to be free from unreasonable seizure and the Due
26

1 Process Clause of the Fifth and Fourteenth Amendments to the United States
2 Constitution,

3 **VI. SECOND CLAIM FOR RELIEF - BATTERY**

4 6.1 Each of the above allegations is incorporated herein by reference.

5 6.2 The intentional acts complained of constitute battery.

6 **VII. SECOND CLAIM FOR RELIEF - OUTRAGE**

7 7.1 Each of the above allegations is incorporated herein by reference.

8 7.2 The intentional acts complained of constitute intentional
9 infliction of emotional distress and outrage.

10 **VIII. THIRD CLAIM FOR RELIEF - FALSE IMPRISONMENT**

11 8.1 Each of the above allegations is incorporated herein by reference.

12 8.2 The intentional acts complained of constitute false imprisonment.

13 **X. FOURTH CLAIM FOR RELIEF - FALSE ARREST**

14 9.1 Each of the above allegations is incorporated herein by reference.

15 9.2 The intentional acts complained of constitute false arrest.

16 **XI. DAMAGES**

17 10.1 Each of the above allegations is incorporated herein by reference.

18 10.2 As a result of the acts of defendants, and each of them, plaintiffs
19 suffered damages in amounts to be proved at trial.

20 10.3 Under 42 USC §1983, damages may include punitive damages
21 and attorneys fees in an amount to be proven at trial.

22 **XII. PRAYER**

23 Plaintiff prays for judgment against defendants, jointly and severally,
24 and against their marital communities as follows:

25 1. For judgment in such amount as shall be proven at the time of trial;
26


2. For prejudgment interest at the statutory rate on all items of special damages;
3. For punitive damages;
4. For an award of attorney's fees
5. For an award of costs and disbursements incurred herein; and
6. For such other and further relief as the Court deems just and equitable.

XIII. JURY DEMAND

Plaintiff hereby demands a trial by jury.

DATED at Seattle, Washington this 19th day of July, 2005.

the MARSHALL FIRM


Bradley R. Marshall, WSBA No.: 15830
Attorney for Plaintiff

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